

Remarks

I. Introduction

This is in response to the Office Action dated July 27, 2006. The Office Action rejected claims 2-9, 11-16 and 19-21 under 35 U.S.C. §102(b) as being anticipated by Patent Cooperation Treaty (PCT) Patent No. WO 97/47119 (Hansson). Claim 10 was rejected under 35 U.S.C. §103 as being unpatentable over Hansson.

In response, Applicants have amended claims 6, 13, and 21.

II. Rejections under 35 U.S.C. §102

Claims 2-9, 11-16, and 19-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Hansson. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Hansson does not show each and every limitation of claims 2-9, 11-16 and 19-21. Therefore, Applicants request the withdrawal of the rejection under 35 U.S.C. §102(b).

The present invention is generally directed to a method and apparatus for transmitting audio / visual (A/V) information between a sender and a recipient. The recipient is identified by a voice communication network address and a data communication network address. A voice connection is established on a voice communication network between the sender and the recipient. The data communication network address is determined for the recipient based on an association between the recipient data communication network address and the recipient's voice communication network address. An identification of the A/V information that is to be sent to the recipient is obtained from the sender. The A/V information is then transmitted to the recipient data communication network address via a data network during the voice connection.

Amended, independent claim 21 is directed to a method of transmitting audio / visual (A/V) information from a sender to a recipient. Independent claim 21 claims the limitations of:

- obtaining an identification of A/V information to be sent to the recipient;
- determining a recipient data communication network address based on an association between said recipient data communication network address and said recipient's voice communication network address; and
- transmitting said A/V information to said recipient data communication network address via a data network during said voice connection.

Hansson is directed to access to telephony networks and Internet protocol (IP) based networks over a shared physical medium, such as a TV distribution network. An object of Hansson is to provide access to services of at least one telephony network and at least one IP based network over a TV distribution network, a shared medium, which is enhanced to provide logical two-way links. For the reasons discussed below, Hansson does not disclose the presently claimed invention under the strict §102 standard as set forth above.

Amended claim 21 claims the limitation of "obtaining an identification of A/V information to be sent to the recipient". Hansson does not disclose this limitation. With respect to an incoming call, Hansson discloses "From user A, the speech is sent via a line 21 to the telephony interface 6 on the NT 5, indicated by a full line in Fig. 1. Here the speech is digitised and packetized. The NT 5 formats the data packages according to the IP protocol, providing the data packets with an address corresponding to the telephony server 12 internal IP address." Hansson further discloses "The telephony server 15 receives the data packages, unpacks them, decode the data into speech, which is sent to the appropriate telephony port and via the PSTN network 16 to user B 17." Thus, Hansson does not disclose "obtaining an identification of A/V information to be sent to the recipient" because Hansson instead discloses digitizing a user's

speech into packets and transmitting these packets over a TV distribution network.

Further, amended claim 21 claims the limitation of “transmitting said A/V information to said recipient data communication network address via a data network during said voice connection.” Hansson does not disclose this limitation. As described above, Hansson discloses packetizing and then transmitting a user’s speech over a TV distribution network. Hansson also discloses the “possibility of simultaneous IP sessions and telephone calls over the same NT 5. A communication capability is always available between the IP access server 12 and the PC 2. The telephony procedure uses the same communication medium as the IP session, the telephony data packages are certainly mixed with the datacom traffic, but the telephone call will not influence the session. In other words, a user of Internet does not have to interrupt his session to make a phone call or to receive a call from outside.” (Page 19, line 26 – page 20, line 2).

Thus, although Hansson discloses the possibility of simultaneous IP sessions and telephone calls over the same NT 5, Hansson does not disclose transmitting A/V information to the recipient data communication network address via a data network during the voice communication. This simultaneous transmission enables a user of the present invention to share information (that the user selects) with another person via, e.g., a cable television set while the two people are talking on the telephone. These distinctions render Hansson unable to anticipate claim 21 under §102.

Independent claim 13 is allowable for reasons similar to those described above in connection with claim 21. Therefore, for the reasons discussed above, independent claims 21 and 13 are allowable over Hansson. Dependent claims 2-9, 11-16, and 19-20 depend upon an allowable independent claim and are therefore also allowable. In addition, these dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claim 3 claims the limitation of the recipient authorizing the transmitting by remaining on the connection for a designated period of time. The Office Action states that Hansson discloses this limitation on page 17, lines 18-24. Page 17, lines 18-24 states that Hansson's TV Internet Protocol Network Terminal (NT) detects an on hook condition of the telephone of user A and then the connection to user B is terminated. The Office Action states that this limitation "reads on the connection is done between two devices per session; thus when the session is terminated by an 'on hook', the connection is terminated." Hansson does not, however, disclose authorizing a transmission of information by remaining on the connection for a designated period of time. Hansson does not disclose designating a set period of time to remain on a call and then, after the designated time elapses, allowing the transmission to occur. Therefore, dependent claim 3 is allowable.

Dependent claim 6 relates to changing the information transmitted to the recipient data communication network address based on input received from the recipient or sender. The input can be a signal transmitted across the voice communication network or transmitted across the data network. Hansson does not disclose these limitations. The Office Action states that Hansson discloses these limitations at page 24, lines 16-18. Page 24, lines 16-18 of Hansson states that "it would be possible to tap a TV channel and send the information e.g. to the PC 2 or other device with capabilities for visual presentation." Hansson does not, however, disclose changing the information being transmitted to the recipient data communication network address based on input received from the recipient or sender. Therefore, dependent claim 6 is allowable.

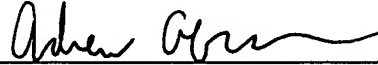
III. No New Matter has Been Added

The amendments to claims 6, 13, and 21 do not add new matter. Support for the claim amendments are shown throughout the Specification and at least at page 5, lines 106-117, page 7, lines 143-153, and page 11, lines 231-235.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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